

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

THE HERSHEY COMPANY and
HERSHEY CHOCOLATE &
CONFECTIONERY CORPORATION

Plaintiffs,

v.

PROMOTION IN MOTION, INC.

Defendant.

Honorable Madeline Cox Arleo

Civil Action No. 07-1601 (SDW)

ORDER

THIS MATTER having come before the Court upon the motion of plaintiffs, The Hershey Company and Hershey Chocolate & Confectionery Corporation (“plaintiffs”) seeking a determination as to whether certain documents of defendant, Promotion in Motion, Inc. and third parties Madelaine Chocolate Novelties, Inc. and Nestle USA (sometimes collectively “third parties”), which were filed in connection with plaintiffs’ motion for partial summary judgment on defendant’s counterclaim and affirmative defense that the kisses trademark is purportedly generic, should be sealed pursuant to L. Civ. R. 5.3(c), (Dkt. Entry No. 59); and defendant having informed the Court in its letter of March 8, 2010, that it withdraws its confidentiality designations with respect to Exhibits G and H to Thomas Smart’s declaration but lacks sufficient information to take a position on sealing Exhibits C & F to Mr. Smart’s declaration, which are the third parties’ documents; and plaintiffs having submitted no opposition to same; and for good cause shown;

IT IS on this 19 day of March 2010,

ORDERED THAT third parties Madelaine Chocolate Novelties, Inc. and Nestle USA shall submit, in writing, their position on sealing Exhibits C & F to Mr. Smart’s declaration, in

compliance with L. Civ. R. 5.3(c)(2), by **April 1, 2010**; and it is further

ORDERED THAT any response from either plaintiffs or defendant shall be submitted by **April 8, 2010**; and it is further

ORDERED THAT plaintiffs are directed to serve a copy of their motion papers (Dkt. No. 59) and a copy of this Order on third parties Madelaine Chocolate Novelties, Inc. and Nestle USA by **March 26, 2010**.



MADELINE COX ARLEO
United States Magistrate Judge

cc: Hon. Susan D. Wigenton, U.S.D.J.
All Parties
File